



AGENDA

Meeting Location:

Bascom-Tykeson Room—Eugene Public Library
100 W. 10th Avenue
Eugene, OR 97401

Phone: 541-682-5481
www.eugene-or.gov/pc

The Eugene Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours notice. To arrange for these services, contact the Planning Division at 541-682-5675.

MONDAY, NOVEMBER 19, 2012 – REGULAR MEETING (11:30 a.m. to 1:30 p.m.)

11:30 a.m. I. PUBLIC COMMENT

The Planning Commission reserves 10 minutes at the beginning of this meeting for public comment. The public may comment on any matter, **except for items scheduled for public hearing or public hearing items for which the record has already closed.** Generally, the time limit for public comment is three minutes; however, the Planning Commission reserves the option to reduce the time allowed each speaker based on the number of people requesting to speak.

11:40 a.m. II. ENVISION EUGENE LAND USE CODE AMENDMENT UPDATE:

- A. Downtown**
- B. Farm Animal Standards**
- C. Single-Family**

Staff: A. Alissa Hansen, 541-682-5508 and Nan Laurence, 541-682-5340
B. Kristie Brown, 541-682-6041
C. Alissa Hansen, 541-682-5508

1:20 p.m. III. ITEMS FROM COMMISSION AND STAFF

- A. Other Items from Staff
- B. Other Items from Commission:
- C. Learning: How are we doing?

Commissioners: Steven Baker; Jonathan Belcher; Rick Duncan; Randy Hledik, Chair; John Jaworski; Jeffery Mills; William Randall, Vice Chair

AGENDA ITEM SUMMARY
November 19, 2012

To: Eugene Planning Commission

From: Alissa Hansen, City of Eugene Planning Division
Nan Laurence, City of Eugene Community Development Division

Subject: Envision Eugene Implementation: Mixed Use/Downtown Code Amendments

ACTION REQUESTED

This work session provides the Planning Commission with an update and opportunity to provide feedback on land use code concepts related to facilitating mixed use and downtown development.

BRIEFING STATEMENT

Consistent with several strategies in the Envision Eugene proposal, the purpose of these amendments is to make compact urban development easier in the downtown, on key transit corridors, and in core commercial areas by removing regulatory barriers. These amendments are also aimed at accommodating the city's 20 year need for commercial and multi-family housing inside the current urban growth boundary (UGB).

Based on public input received during the Envision Eugene process, a city staff team drafted code concepts addressing five topic areas. Staff then met with community stakeholders with experience and expertise in downtown and mixed use development to seek feedback on the concepts. These stakeholders included property owners, neighborhood advocates, developers, commercial brokers, architects, and the Chamber of Commerce. Using that feedback, concept papers were drafted (see Attachments A through E). These papers describe the background/purpose, current practice, proposed concept, stakeholder input and relevant code sections for each topic. The five topic areas include:

1. Allowing for More Housing in Commercial Zones
2. Eliminate Requirement for Transportation Impact Analysis in the Downtown
3. Provide Flexibility for the Surface Parking Limitation in C-3 Zone
4. Eliminate Large Commercial Facilities Standards for Projects in the Downtown
5. Provide Flexibility to the /ND Nodal Development Overlay Zone

Next Steps

Staff will begin drafting code language consistent with the concepts following the Planning Commission's review. This code language will be reviewed by the stakeholders, as well as by other city staff to ensure consistency with other codes and programs. Broader public feedback is expected as part of the formal hearing process.

Staff also wanted to call the commission's attention to a specific code amendment that was recently initiated by the City Council. In late October 2012, the City Council agreed to sell property in the

Downtown Plan area to enable the development of Northwest Community Credit Union's regional headquarters. This property is within the /ND Nodal Development overlay zone. The credit union has requested the city to consider allowing a drive-through facility which is currently prohibited in the /ND overlay zone. Given council's action and terms of this agreement, it is necessary to consider a code amendment to the /ND overlay in an expedited fashion (see Attachment E and F). Accordingly, the Planning Commission will hold a public hearing on this proposed amendment on Tuesday, December 11, 2012. Following a Planning Commission recommendation, the City Council will hold a public hearing and take action in early 2013.

FOR MORE INFORMATION

Alissa Hansen, 541-682-5508 or alissa.h.hansen@ci.eugene.or.us

Nan Laurence, 541-682-5340 or nan.laurence@ci.eugene.or.us

ATTACHMENTS

- A. Concept Paper: Allow for More Housing in Commercial Zones
- B. Concept Paper: Eliminate Traffic Impact Analysis Requirement in Downtown
- C. Concept Paper: Provide Flexibility for the Surface Parking Limitation in C-3 Zone
- D. Concept Paper: Eliminate Large Commercial Facilities Standards in Downtown
- E. Concept Paper: Provide Flexibility in the Nodal Development Overlay Zone
- F. Proposed code language for amendment to allow drive through in Downtown /ND Zone

1. Allow for More Housing in Commercial Zones

Background/Purpose

Envision Eugene calls for facilitating the transformation of downtown, key transit corridors and core commercial areas as mixed-use neighborhoods that foster active, walkable, community living by providing a mix of residential, commercial, retail, and public uses in proximity to one another.

Although mixed use is often thought of as vertical (housing over commercial), it can also be horizontal (housing adjacent to commercial). The purpose of these amendments is to increase housing opportunities, provide for flexibility and allow for adaptive re-use opportunities for existing buildings in downtown, on key transit corridors, and in core commercial areas.

Current Practice

Except within the Downtown Plan Area, single-family dwellings, duplexes and multi-family dwellings (three or more dwellings on same lot) are permitted in the C-1 Neighborhood Commercial and the C-2 Community Commercial zones, so long as a certain percentage of the ground floor of the building is used for commercial or non-residential purposes (80% for C-1 and 20% for C-2), to promote vertical mixed use.

Since 2009, within the Downtown Plan Area, all types of dwellings are allowed in the C-1 and C-2 zones without the requirement that the ground floor of the building be in commercial or non-residential use. As a result, any portion (or all) of a building can be developed with housing, allowing for horizontal mixed use.

Multi-family dwellings (three or more dwellings on the same lot) are allowed in the C-3 Major Commercial zone, and are not required to be in a building that has a ground floor in commercial or non-residential use. While three or more dwellings in a building are allowed, one or two dwellings are not. Consequently, an existing commercial building could not convert un-used space to create one or two apartments.

Proposed Concepts

- Allow for housing on the ground floor of buildings in the C-1 and C-2 zones citywide, thereby allowing for horizontal mixed use opportunities
- Allow for one or two apartment units (non-multi-family) in the C-3 zone in conjunction with commercial use, thereby allowing for flexibility and mixed use opportunities
- As part of the Envision Eugene monitoring program, monitor the amount and type of housing developed in commercial zones to assess the effect of these code provisions on commercial and multi-family housing land supply, and make adjustments if necessary.

Stakeholder Input

In general, stakeholders responded positively to the idea of allowing flexibility in the C-2 requirement for nonresidential uses on the ground floor. Stakeholders commented that

allowing housing on the ground floor in C-2 would fill empty storefronts, and that requiring the proscribed mix of use increased development costs. In addition, allowing more flexibility in ground floor use could encourage people to live near and support those services, increasing commercial viability. However, a few stakeholders also identified concerns that commercial uses on the ground floor are desired particularly along transit corridors, and that the overall supply of commercial space is limited. The consensus was to allow this change, to increase opportunities for housing adjacent to or over commercial.

Most stakeholders interviewed proposed changing the current limitation of three or more dwellings in C-3 to open up the possibility of one or two units, such as atop commercial spaces. Increasing the possibility of additional residential in the core area, even one or two units at a time was seen as positive. Allowing residential uses above commercial uses is seen as a traditional mixed use form – one that we need to make easier to accomplish. However, there were concerns that housing about a single story might lock in that development, increasing the value so as to prevent redevelopment in the future. In response, there was general consensus that housing above commercial is acceptable and in fact desired, if at least two lower stories are in commercial use. A number of stakeholders also commented that this is unlikely to have a big effect, so it makes sense to allow it where it adds to the overall density and mix of uses downtown.

For both changes, stakeholders suggest looking for ways to track the use of C-2 for housing uses in place of commercial uses.

Relevant Eugene Code Sections

The following code sections would need to be revised:

- Table 9.2160 Commercial Zone land Uses and Permit Requirements
- EC 9.2161(6) Special Use Limitations for Table 9.2160
- Table 9.2161 Commercial Use Requirements in Mixed-Use Residential Developments Not Within Downtown plan Area

2. Eliminate Traffic Impact Analysis Requirement within Downtown Plan Area

Background/Purpose

A Traffic Impact Analysis (TIA) Review is required for developments that exceed a threshold number of trips or anticipated traffic problems. The purpose of the TIA Review is to ensure that developments provide necessary facilities to accommodate the traffic impact of a proposed development which generates a significant amount of traffic, contributes to traffic issues in the area, or results in unacceptable levels of service of the roadway system.

The TIA is an important and relevant tool for managing and mitigating the impacts of growth and development. However, the downtown area has some unique characteristics that lessen the benefits or need of the TIA. These include:

- The downtown has lower adopted mobility standards than all other areas in the city (level of service E for downtown compared to level of service D for the rest of the city) as a result of the Central Area Transportation Study (CATS).
- The downtown area consists of an established grid pattern of interconnected streets.
- There are multiple lower and higher order streets that enter and exit the downtown core.
- There are numerous options for distribution and assignments of projected trips.
- Speeds are generally lower and the pedestrian level environment tends to keep it that way.
- Downtown has ample transit facilities and the City has put a priority on encouraging alternate modes of travel.
- Development in downtown is primarily re-development of existing properties.
- It is unlikely that new intersections, new street alignments or widths would be proposed or exacted.
- Downtown buildings generally have only a small setback or are zero lot line developments. This reduces the likelihood of adding lanes. Any capacity upgrades would likely come from operational or geometric changes to improve efficiencies where right-of-way is constrained.
- Recently adopted access management standards control new driveway locations.

During the Envision Eugene public involvement events, it was suggested that the TIA requirement in the downtown area be eliminated to save unnecessary expense, time and expectations of site specific system improvements.

Current Practice

The land use code requires a Traffic Impact Analysis (TIA) Review (a Type II/Planning Director decision) anywhere in the city when one of the following conditions exists:

- The development will generate 100 or more vehicle trips during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineer's Trip Generation.
- The increased traffic resulting from the development will contribute to traffic problems in the area based on current accident rates, traffic volumes or speeds that warrant action under the city's traffic calming program, and identified locations where pedestrian and/or bicyclist safety is a concern by the city that is documented.
- The city has performed or reviewed traffic engineering analyses that indicate approval

of the development will result in levels of service of the roadway system in the vicinity of the development that do not meet adopted level of service standards.

- For development sites that abut a street in the jurisdiction of Lane County, a Traffic Impact Analysis Review is required if the proposed development will generate or receive traffic by vehicles of heavy weight in their daily operations.

Typically, most TIAs are triggered as a result of trip generation. There has been one TIA submitted and processed within the downtown plan area since this requirement was added as part of the land use code update in 2001.

Proposed Concept

- Eliminate TIA requirement for development within the boundaries of the Downtown Plan. Retain requirement outside of Downtown Plan area.

Stakeholder Input

The general consensus regarding the requirement for TIA's in the Downtown Plan area is that they are not needed, since the street grid is established and improvements are already accounted for in the Central Area Transportation Study. In other words, we are already planning for the development that we intend for downtown, so individual projects should not have to submit a TIA. However, there were questions about the need to track impacts from development downtown on nearby residential areas. Several comments supported the idea of a lesser TIA, or discretion about when one might be needed. Overall, stakeholders support making the process easier for downtown development particularly where needed infrastructure and analysis is already in place. Other comments addressed concerns that TIAs don't completely account for the traffic issues, for example don't vary based on the amount of parking provided, or consider the impact of bicycles.

Relevant Eugene Code Sections

The following code section would need to be revised:

- EC 9.8650-9.8680 Traffic Impact Analysis Review

3. Provide Flexibility for the Surface Parking Limitation in C-3 Zone

Background/Purpose

In 2001, the council adopted a requirement to discourage surface parking lots by setting a limit of 20 surface parking spaces and requiring all remaining spaces to be in structured parking. While well-intentioned, this requirement has proved to be a major issue for those considering redevelopment in the C-3 zone. This is particularly true for modest sized projects where the economics of building structured parking cannot be financially justified. This standard does not account for the more typical evolutionary development that occurs downtown, where land is redeveloped, with portions of the lot retained in surface parking. Over time, that parking is converted as property values increase and additional redevelopment occurs. Given its scale, the Capstone project will likely be the first example where structured parking will be provided since the inception of this requirement.

This issue was identified early in the code amendment process in 2004. Stakeholder input at that time requested flexibility in redevelopment to allow more than 20 spaces, particularly for larger developments and where the parking could be screened from pedestrians. This issue has resurfaced multiple times during the iterative code amendment process.

Current Practice/Background

Within the C-3 Major Commercial zone, parking areas that are accessory to a primary use on the same development site must comply with EC 9.2161(5).

9.2161 Special Use Limitations for Table 9.2160.

- (5) **Parking Areas in C-3.** For surface parking spaces created after August 1, 2001, there shall be at least 1,000 square feet of floor area on the development site for each new parking space created. The maximum number of surface parking spaces on a development site shall be 20. All parking spaces in excess of these limits shall be in structured parking.

Structured parking is permitted outright in the C-3 zone, meaning it is not subject to a land use application unless it falls within a /SR Site Review zone.

Proposed Concepts

Given the mixed reviews we've heard on this topic, staff is providing options for the Planning Commissions consideration:

- Option 1: Eliminate requirement
- Option 2: Increase threshold from 20 surface spaces to a higher number
- Option 3: To clarify applicability, add the word "new" so that it reads "the maximum number of new parking spaces on a development site shall be 20."
- Option 4: Allow for an adjustment to this special use limitation subject to relevant and robust criteria. Consider some limitation on surface parking, such as embedded or

screened parking

- Option 5: Retain requirement

Stakeholder Input

Stakeholders expressed a variety of viewpoints regarding the current limit of 20 surface spaces in the C-3 zoned area, primarily the core area of downtown. Although there was discussion on the concept of parking lots as essentially land banked sites, the consensus from stakeholders was that we need to keep the existing limitation of 20 surface spaces in C-3. A number of comments addressed the desire for the City to build additional parking structures, and look for other creative ways to address parking needs. In keeping with the goal of making desired development easier in the core area, several individuals suggested making the 20 space limit flexible, such as through an adjustment review, but with a limited amount of increase, such as 5 or 10 spaces.

Relevant Eugene Code Sections

The following code sections would need to be revised:

- Table 9.2160 Commercial Zone Land Uses and Permit Requirements
- EC 9.2161 Special Use Limitations for Table 9.2160.
- EC 9.8030 Adjustment Review Approval Criteria

4. Exempt Downtown Projects from Certain Large Commercial Facilities Standards

Background/Purpose

As part of the land use code update in 2001, all new buildings in commercial zones with 25,000 square feet or more of floor area were required to meet the Large Commercial Facilities Standards, which are a set of development standards addressing the appearance and function of large commercial developments. While the intent of these standards is appropriate for downtown (see description and purpose below), for the most part, the standards are geared towards large-scale developments typically found in a more suburban setting, rather than the core where there is a gridded street pattern and associated blocks, ample sidewalks and alleys, and parking exempt areas. These standards attempt to address building and site design issues which the general commercial standards would not adequately cover, especially regarding larger commercial centers. Not only are downtown sites physically distinct in nature, they lie within the transit oriented district overlay (/TD) which already include additional standards specific to an urban setting.

Two recent downtown projects, the Lane Community College Downtown Campus and the Woolworth Building, requested adjustments to the on-site pedestrian circulation requirements of these standards. These provisions are redundant in an urban setting when public sidewalks and alleyways are directly adjacent to the building facades.

Exempting projects within the Downtown Area Plan from the on-site pedestrian circulation requirement (and others where appropriate) would remove a barrier (unnecessary time and expense) to downtown development.

Current Practice

The current code language is as follows:

9.2173 Commercial Zone Development Standards - Large Commercial Facilities.

- (1) **Description and Purpose.** The intent of these regulations is to:
 - (a) Improve the appearance and function of large commercial developments in any commercial zone.
 - (b) Encourage efficient use of land resources and urban services.
 - (c) Encourage mixed use.
 - (d) Support transportation options.
 - (e) Promote detailed, human-scale site and building design.
- (2) **Application of Standards.** In addition to the standards of EC 9.2170 Commercial Zone Development Standards - General, the standards in this section apply to any new building with 25,000 square feet or more of floor area, and the portion of the development site specifically affected by the new building.
- (3) **Building Entrances.**
 - (a) All building sides that face an adjacent street shall feature at least one customer entrance. **(See Figure 9.2173(3) Large Commercial Facilities - Building Entrances.)**
 - (b) Where a building faces more than two adjacent streets, excluding those with limited access, this requirement shall apply only to two sides of the building.
 - (c) Corner entrances, placed at an angle of up to 45 degrees from the primary street, as measured from the street lot line, may be substituted for separate entrances required under subsection (b), above. **(See Figure 9.2173(3) Large**

Commercial Facilities - Building Entrances.)**(4) Off-Street Parking.**

- (a) No off-street parking shall be located between the front facade of any new building(s) and the primary adjacent street.
- (b) Individual parking areas may be no larger than 55,000 square feet in size. Separation between individual parking areas may be achieved by placement of internal accessways. Such accessways used to separate parking areas shall have at least one travel lane, curbs, and sidewalks at least 8 feet in width on both sides of the access way.

(5) Vehicle Connections Between Sites. For development sites that abut an arterial or collector street, at least one internal vehicle accessway connection must be made between the subject development site and adjacent sites zoned for commercial use.**(6) On-Site Pedestrian Circulation.** In place of standards set forth in EC 9.6730 Pedestrian Circulation On-Site, the following standards shall apply to large commercial facilities:

- (a) A continuous internal pedestrian walkway, no less than 8 feet in width, shall be provided from the public sidewalks or right-of-way to all customer entrances of all buildings on the development site, and to all public sidewalks and paths abutting the development site.
- (b) Sidewalks, no less than 8 feet in width, shall be provided along the full length of building walls featuring a customer entrance, and along any wall abutting public parking areas. Such sidewalks shall be located at least 6 feet from the wall of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- (c) Sidewalks, no less than 8 feet in width, shall be provided for direct connection to entrances of all new and existing buildings on the development site to one another, except entrances used for loading and unloading freight.
- (d) Internal pedestrian walkways provided in conformance with subsection (a) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- (e) At least one pedestrian accessway connection, a minimum of 8 feet in width, shall be made to connect the buildings on the subject development site to all adjacent sites either developed or zoned for commercial, office, residential, or institutional use.
- (f) All on-site pedestrian walkways located in vehicle use areas shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(7) Interior Yard Landscaping. Interior yards abutting a lot with a residential zone shall be provided with landscaping that meets the requirements in EC 9.6210(7) Massed Landscape Standard (L-7). The required landscaping may be pierced by pedestrian and vehicular access ways.**(8) Service and Loading Areas.**

- (a) Loading docks, outdoor storage, utility meters, mechanical equipment, trash collection, trash compaction, and other service functions shall comply with the standards stated in EC 9.2170 Commercial Zone Development Standards - General.
- (b) Outdoor areas for the display and sale of seasonal inventory shall be permanently defined and landscaped as set forth in EC 9.2171(11) Outdoor Merchandise Display.

(9) Delivery and Loading Facilities. On lots abutting parcels zoned for residential development, delivery and loading facilities shall be set back a minimum of 30 feet

from property lines with required setbacks landscaped to at least the standards in EC 9.6210(4) High Wall Landscape Standard (L-4).

(10) Exterior Wall Articulation, Facades, and Ground Floor Windows.

- (a) Exterior building walls shall not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall that has no variation in exterior surface along its length. Except for building walls facing an alley, ground floor facades 100 feet or greater in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. **(See Figure 9.2173(10)(a) Large Commercial Facilities-Exterior Wall Articulation.)**
- (b) Ground floor facades that face streets adjacent to the development site shall have arcades, collonades, display windows, entry areas, awnings, or other such features along no less than 50 percent of their horizontal length. **(See Figure 9.2173(10)(b) Large Commercial Facilities-Exterior Facades.)**
- (c) Except for building walls facing an alley, ground floor walls shall contain windows (as stated below) at the ground level. The windows may extend a maximum sill height of 4 feet above finished grade to any head height. The portion of window area meeting this standard is from the sill (bottom edge) to the head (top edge) including portions up to 9 feet above the finished grade. Alcoves, entryways, and extruding portions of the wall shall be treated by measuring through such areas as though along the flat wall of a building. **(See Figure 9.2173(10)(c) Large Commercial Facilities-Ground Floor Window Calculation.)** Solid walls are prohibited along street frontages. This standard does not apply to parking structures. For a wall with a loading dock, the wall length referred to in subsection (10)(c)1., below, shall exclude the wall area affiliated with the loading and unloading of freight.
 1. **General Standard.** The windows in any walls that require windows shall occupy at least 50 percent of the length and 25 percent of the ground floor wall area. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. The bottom of the windows shall be no more than 4 feet above the finished grade.
 2. **Corner Lots.** On corner lots, the general ground floor window standard stated in subsection (c) must be met on one street frontage only. On the other street(s), the requirement is ½ of the general standard. The applicant may choose on which street to apply the general standard.

- (11) Adjustments.** Except for the Downtown Plan Area, adjustments to the standards in this section may be made, based on criteria at EC 9.8030(6) Large Commercial Facilities Standards Adjustment. Within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, adjustments to the standards in this section may be made based on the criteria at EC 9.8030(16).

Proposed Concepts

- Clarify that these standards apply to new buildings with 25,000 square feet *in commercial use*.
- Exempt development within the boundaries of the Downtown Plan area from certain Large Commercial Facilities standards:
 - Building entrances (only require on one side) [EC 9.2173(3)]

- Vehicle connections between sites [EC 9.2173(5)]
 - On-Site Pedestrian Circulation [EC 9.2173(6)]
 - Interior Yard Landscaping (change to not apply downtown when adjacent to R-4) [EC 9.2173(7)]
 - Delivery and Loading Facilities (change to not apply downtown when adjacent to R-4) [EC 9.2173(9)]
 - The remaining standards would continue to apply.
- As part of the Envision Eugene monitoring program, monitor the amount and type development in commercial zones to assess the effect of these code provisions on commercial land supply, and make adjustments if necessary.

Stakeholder Input

The large commercial facilities standards were seen by stakeholders as unnecessary and undesirable downtown. The general comment was that these standards were developed for suburban development and do not belong downtown. Some stakeholders supported removing this standard, while others suggested making it easier to waive, such as without going through an adjustment review. One cautionary comment suggested looking out for consistency downtown, such as preserving the build-to line.

Relevant Eugene Code Sections

The following code section would need to be revised:

- EC 9.2173 Commercial Zone Development Standards – Large Commercial Facilities

5. Add Flexibility to Nodal Development Overlay Zone

Background/Purpose

Consistent with the nodal development program outlined in TransPlan, the City has relied on the re-designation and re-zoning of specific areas for implementation. This has occurred either through the application of specific area zones (resulting from area planning, such as Walnut Station) or through the application of a general “nodal development” overlay zone.

The /ND overlay zone is intended to direct and encourage nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations (EC 9.4250).

The /ND Nodal Development Overlay zone applies within four areas across the city: Crescent Village, Danebo, Lower River Road, and Downtown. Within the first three area all properties within the city limits have the /ND overlay, and the remaining properties receive the overlay zone upon annexation. Within downtown, the /ND overlay was not applied when the area was designated nodal development in the Metro Plan. Rather, it is applied when properties are re-zoned. As such, only four properties within downtown are zoned /ND.

Nodal development is defined as a mixed use, pedestrian friendly land use pattern that seeks to increase concentrations of population and employment in well-defined areas with good transit service, a mix of diverse and compatible land uses, and public and private improvements designed to be pedestrian and transit oriented.

Although the intent of the /ND overlay is to encourage mixed use development, because of its one-size-fits-all nature, several of the regulations have been identified as barriers to commercial and residential developments. In an effort to protect these areas from incompatible development, the /ND regulations have had the effect of restricting or limiting development. For example, uses with an ancillary drive through, or any car-related uses are prohibited.

Current Practice

The /ND overlay includes standards that prescribe the following:

- prohibited uses (including as motor vehicle related uses and large scale sales/service);
- special use limitations (including no drive-through facilities unless explicitly permitted in a refinement plan and a limitation that no new buildings may exceed 50,000 square feet); and
- density and development standards (including minimum floor area ratios, building setbacks, and parking location requirements).

Except within the Downtown Plan area, the density and development standards are adjustable only for parcels with no alley access or with physical or legal constraints. Within the Downtown Plan area, adjustments to the density and development standards may be made for any parcel. No adjustments may be made to the prohibited or special use limitations.

The current /ND overlay zone language is included in Attachment F.

Proposed Concepts

- Allow for adjustments to the prohibited and special use limitations subject to relevant criteria
- Allow for adjustments to the density and development standards for all parcels, not just those with no alley access or physical or legal constraints
- Allow for drive-through facilities within the Downtown Plan area if the structure has at least two occupiable floors. Allow a drive-through facility in a structure with one occupiable floor subject to an adjustment review only for financial institutions or pharmacies. Retain prohibition on drive through only establishments (establishments that provide services solely to customers that do not enter the building, such as a coffee stand). (See Attachment F)

Stakeholder Input

The concept of allowing flexibility in the list of allowed uses in the /ND overlay zoned areas generated a lot of discussion. Some stakeholders were comfortable with this change given the public engagement and notice required for a code amendment. Some individuals commented that allowing drive-through facilities reduces need for surface parking, while others thought that drive-through facilities, particularly downtown, take up too much asphalt. However, there was general consensus for more flexibility in the list of uses, and that drive-through facilities are acceptable in association with multiple uses as an accessory use. There were two additional suggestions, one that we look at the transportation impact and demonstrate how it will be better for pedestrians, and two that drive-through facilities be designed to accommodate bicyclists as well.

Relevant Eugene Code Sections

The following code sections would need to be revised:

- EC 9.4280 /ND Prohibited Uses and Special Use Limitations
- EC 9.4290 /ND Density and Development Standards
- EC 9.8030 Adjustment Review Criteria

Proposed code language for amendment to allow drive through in Downtown

Proposed additions are in *italics* and deletions show with ~~strikeout~~
November 9, 2012

/ND Nodal Development Overlay Zone

- 9.4250** **Purpose of /ND Nodal Development Overlay Zone.** The /ND Nodal Development overlay zone is intended to direct and encourage development that is supportive of nodal development and to protect identified nodal development areas from incompatible development prior to adoption of nodal development plans and implementing land use regulations. An adopted development plan for a specific node may recommend the /ND Nodal Development overlay zone as the sole implementing land use regulation for all or part of a nodal development area. It is intended that each node identified by the /ND overlay zone achieve an average overall residential density of at least 12 units per net residential acre.
- 9.4260** **Procedure for Applying the /ND Nodal Development Overlay Zone.** Rezoning to apply the /ND overlay zone concurrent with a Metro Plan diagram amendment to apply the /ND Nodal Development designation shall be processed as a Type V application as provided in EC 9.7500 through EC 9.7560 Type V Application Procedures. Except as provided in EC 9.7810, rezoning to apply the /ND overlay zone to property shown as ND Nodal Development on the Metro Plan diagram shall be processed as a Type III application as provided in EC 9.7300 through EC 9.7340 Type III Application Procedures. Proceedings to apply the /ND overlay zone may be initiated only by the city council.
- 9.4270** **Applicability.** The /ND overlay zone applies to all property where /ND is indicated on the Eugene overlay zone map, except where the property is an historic property according to this land use code. The /ND requirements in EC 9.4280 and 9.4290 apply to the following:
- (1) New development on vacant land.
 - (2) New structures on already developed sites, such as conversion of a parking area to a structure or demolition of a structure and construction of a new structure.
 - (3) An expansion of 30% or more of the total existing building square footage on the development site; however, expansion of a structure for a use prohibited under EC 9.4280 or the expansion/addition of a drive-through facility as part of the expansion of an existing structure are prohibited.
- The /ND standards in EC 9.4290 do not apply to a building alteration. The provisions of the /ND overlay zone supplement those of the applicable base zone or special area zone and other applicable overlay zones. Where overlay zone and base zone provisions conflict, the more restrictive controls.
- 9.4280** **Prohibited Uses and Special Use Limitations.**
- (1) **Prohibited Uses.**
 - (a) **Motor Vehicle Related Uses.**
 1. Car washes.
 2. Parts stores.

3. Recreational vehicle and heavy truck, sales/rental/service.
4. Motor vehicle and motorcycle sales/rental/service.
5. Service stations, includes quick servicing.
6. Tires, sales/service.
7. Transit park and ride, major or minor, except under a shared parking arrangement with another permitted use.
8. Parking areas, where the entire lot is exclusively used for parking and does not provide shared parking for more than one development site.

(b) Trade (Retail and Wholesale).

1. Agricultural machinery rental/sales/service.
2. Boats and watercraft sales and service.
3. Equipment, heavy, rental/sales/service.
4. Manufactured dwelling sales/service/repair.

(2) **Special Use Limitations.**

- (a) *Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, no use may include a drive-through facility, unless explicitly permitted in a refinement plan. Within the Downtown Plan Area, a drive-through facility is permitted for structures that have at least two occupiable floors. Drive through only establishments are not permitted. A drive-through facility in a structure with one occupiable floor may be permitted subject to an adjustment based on the criteria at EC 9.8030(16).*
- (b) No new building designed to be occupied by retail uses may exceed 50,000 square feet of building area on the ground floor and only one such new building may contain 50,000 square feet of building area on the ground floor.

9.4290 Density and Development Standards. In addition to the requirements of the base zone, the following standards shall apply:

(1) **Minimum Residential Density and Floor Area Ratio (FAR).**

- (a) Where the base zone is R-1 or R-1.5, new subdivisions shall achieve a minimum residential density of 8 units per net acre. Minimum residential density in R-2 shall be 15 units per net acre; in R-3 it shall be 25 units per net acre; and in R-4 it shall be 30 units per net acre.
- (b) Where the base zone is C-1, C-2, C-3, or GO, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be 1.0 FAR (1.0 square feet of floor area to 1 square foot of the development site).
- (c) Where the base zone is C-4, I-1, I-2, or I-3, the /TD standards in EC 9.4530 shall apply, except that the minimum floor area ratio (FAR) shall be .40 FAR (.40 square feet of floor area to 1 square foot of the development site).

(2) **Building Setbacks.**

- (a) Buildings shall be set back a maximum of 15 feet from the street. There is no minimum setback.
- (b) Where the site is adjacent to more than one street, a building is required to meet the above maximum setback standard on only one of the streets.

- (3) **Parking Between Buildings and the Street.** Automobile parking, driving, and maneuvering areas shall not be located between the main building(s) and a street. For sites that abut a street, parking may be located at the rear of the building or on 1 or both sides of a building when at least 60 percent of the site frontage abutting the street (excluding required interior yards) is occupied by a building and/or an enhanced pedestrian space with no more than 20 percent of the 60 percent in enhanced pedestrian spaces, as described in EC 9.4530(3)(c). For purposes of determining the percent of site frontage, the building or enhanced pedestrian space shall be within 15 feet of the street.

- (4) **Adjustments.** Except for the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map, an adjustment to any of the standards in this section may be made for /ND parcels with no alley access or with physical or legal constraints pursuant to the criteria beginning at EC 9.8015 of this land use code. Adjustments to this section may be made for any parcel within the Downtown Plan Area based on the criteria at EC 9.8030(16).

9.8030 **Adjustment Review - Approval Criteria.** The planning director shall approve, conditionally approve, or deny an adjustment review application. Approval or conditional approval shall be based on compliance with the following applicable criteria.

- (16) **Downtown Plan Area.** Where this land use code provides that a development standard applicable within the Downtown Plan Area as shown on Map 9.2161(6) Downtown Plan Map may be adjusted, approval of the request shall be given if the applicant demonstrates consistency with all of the following:
- (a) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would result from strict adherence to the standards through:
 - 1. A building orientation, massing, articulation and façade that contribute positively to the surrounding urban environment; and
 - 2. An overall site and building design that creates a safe and attractive pedestrian environment. Design elements for this purpose may include special architectural design features, high quality materials, outdoor seating, pedestrian-scaled lighting, prominent entries facing the street, multiple openings or windows, and a significant use of clear, untinted glass.
 - (b) Impacts to any adjacent residentially-zoned property are minimized. Design elements for this purpose may include treatment of building massing, setbacks, screening and landscaping.
 - (c) For adjustments pursuant to EC 9.2171(13) only, placing utilities underground would be unreasonably onerous to the applicant.
 - (d) *For adjustments pursuant to EC 9.4280(2)(a), the use shall be limited to financial services, pharmaceutical prescription dispensing or government services.*

AGENDA ITEM SUMMARY
November 19, 2012

To: Eugene Planning Commission
From: Kristie Brown, City of Eugene Building & Permit Services Division
Subject: Envision Eugene Implementation: Farm Animal Code Amendments

ACTION REQUESTED

This work session provides the Planning Commission with an update and opportunity to provide feedback on a package of proposed land use code amendments related to farm animal standards.

BRIEFING STATEMENT

Earlier this year, the City Council initiated code amendments related to farm animal standards on residential land. The purpose of these amendments is to make changes and clarifications to the land use code (Eugene Code Chapter 9) which will help increase opportunities for urban farming on residential lands within the city limits. In addition to implementing the climate change and energy resiliency pillar of Envision Eugene, these amendments are listed as a high priority action in the City's Climate and Energy Action Plan and supported by the City's Food Security Scoping and Resource Plan. While farm animals are currently allowed in residential zones, these amendments are intended to increase the number of farm animals allowed in an urban setting, while addressing neighborhood livability issues.

Staff developed code concepts based on the City's Food Security Scoping and Resource Plan, as well as a review of code from a broad range of other cities. Following the drafting of the concepts, staff met with several community stakeholders with expertise in the field. The concepts were also distributed to City staff for review to ensure consistency with other codes and programs. Staff from planning, land use, code enforcement, and legal have provided specific comments on the proposals. Based on this feedback, a city staff team drafted code language addressing the farm animal standards. The draft code language is provided as Attachment B. The current farm animal standards from the land use code are included as Attachment C.

A website devoted to the project was recently created, and a news release will be sent out by the City to inform the broader public about the draft code amendments. The neighborhood associations were provided information about the code amendments, including the website, and were also sent notice of the public hearing. Public feedback is also expected as part of the formal hearing process.

PLANNING COMMISSION FEEDBACK

At today's work session, staff would like feedback on the proposed concepts, Attachment A, and whether or not the proposed number of allowed farm animals seems reasonable for residential developments within the city limits. Following the public hearing, there will be time to deliberate on the proposed code language.

NEXT STEPS

The formal public process on the proposed code amendments is slated to begin with a Planning Commission Public Hearing scheduled for December 11, 2012. Following a Planning Commission recommendation, the City Council will hold a public hearing and take action in early 2013.

FOR MORE INFORMATION

Kristie Brown, 541-682-6041 or kristie.a.brown@ci.eugene.or.us

ATTACHMENTS

- A. Farm Animal Code Concepts
- B. Proposed Farm Animal Code Language
- C. Current Farm Animal Code Language

FARM ANIMAL CODE CONCEPTS

DRAFT – November 13, 2012

Overall Goal of the Farm Animal Code Amendments

Revise the land-use code to allow increased opportunities for raising “micro-livestock” within the city limits. These amendments are intended to:

- Increase the number of farm animals allowed in an urban setting
- Promote and encourage compatibility within an urban environment
- Promote the City of Eugene Food Security Scoping and Resource Plan
- Supports a strategy in Envision Eugene under the Climate Change and Energy Resiliency pillar and the Climate and Energy Action Plan

Proposal for Farm Animal Standards

Purpose: Allow for the increased opportunities for residential urban farming, including standards addressing compatibility.

Standard	Current Standard in Land Use Code	Proposal
General Requirements	<ul style="list-style-type: none"> • No roosters 	<p>Consider the following:</p> <ul style="list-style-type: none"> • Require all persons keeping farm animals to reside on or adjacent to the development site on which the animals are kept, include exception for school & church uses • No roosters, geese, peacocks, turkeys or other similar loud fowl
Farm Animals Allowed (Less than 20,000 sq.ft development site)	<ul style="list-style-type: none"> • Up to 2 adult rabbits or fowl over 6 months of age are allowed in R-1, R-1.5, R-2, R-3, & R-4 zones 	<p>Consider allowing the following:</p> <ul style="list-style-type: none"> • Permitted outright in R-1, R-2, R-3, R-4, AG agricultural, and all special area zones which allow residential uses: • Up to 6 chickens over 6 months of age • Up to 6 of any combination of rabbits or domestic fowl (not including chickens) over 6 months of age • Up to 2 miniature goats, provided that the males are neutered • No more than 1 miniature pig up to 150 pounds • Up to 2 bee hives; w/ water source
Farm Animals Allowed (20,000 sq.ft or greater development site)	<p>The following are allowed in AG agricultural & R-1 zones:</p> <ul style="list-style-type: none"> • Rabbits and fowl (no limit) • Cows, horses, sheep, goats, emus, and llamas must meet minimum area requirement 	<p>Consider allowing all the following in R-1, R-2, AG agricultural, and all special area zones which allow residential uses:</p> <ul style="list-style-type: none"> • Chickens, rabbits and domestic fowl (no limit) • Up to 2 miniature goats provided that the males are neutered. Additional

		<p>goats are allowed subject to the minimum area requirement</p> <ul style="list-style-type: none"> • No more than 1 miniature pig up to 150 pounds • Up to 4 bee hives; w/ water source • Cows, horses, sheep, goats, emus, alpacas, and llamas subject to the minimum area requirement
Care of Animals	None required	Prohibits mistreatment and neglect of farm animals
Sanitation	<ul style="list-style-type: none"> • No accumulation of farm animal waste allowed. • No odors detectable beyond the property line. • Food must be stored in rodent-proof containers. 	<p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> • Add language regarding the purpose of the sanitation standards • Add language regarding disposal of animal waste
Noise	No code standard in Chapter 9; Noise disturbances regulated by Chapter 4	<p>Add requirements in Chapter 9:</p> <ul style="list-style-type: none"> • Animals that make frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance
Fencing	Shall be designed and constructed to confine farm animals to the owner's property	<p>Clarify/strengthen requirements:</p> <ul style="list-style-type: none"> • Fencing is required • Fencing must meet applicable base & overlay zone standards related to height and setback
Enclosures	None required	<ul style="list-style-type: none"> • Requires enclosure which provides shelter for all farm animals, which is roofed and at least two sided • Enclosure must meet applicable base & overlay zone standards related to height and setback
Required Setbacks	Structures that house farm animals are required to be located at least 25 feet from existing residences (except the animal owner's) and 10 feet from interior lot line.	<ul style="list-style-type: none"> • Structures are required to be 15 feet from residences on adjacent lots • Structures must meet setback requirements of base & overlay zone • Bee hives shall be a minimum of 15 feet from property line if lot is less than 20,000 sq. ft. and 25 feet if lot is 20,000 sq. ft. or greater
Minimum Lot Size	No minimum lot size; except for the keeping of cows, horses, sheep, goats, emus, and llamas on lots	No change proposed

	20,000 sq.ft or greater	
Area Requirement for Animals	<p>On lots 20,000 sq.ft or greater a minimum area per animal (over 6 months of age):</p> <ul style="list-style-type: none"> • Cows, horses: 10,000 sq. ft. • Sheep, goats, emus, and llamas: 5,000 sq.ft 	Add minimum area of 5,000 sq. ft. for miniature cows, miniature horses, miniature goats, and alpacas
Harvesting	Not permitted	Chickens, fowl, and rabbits may be slaughtered on site out of view of public areas and adjacent property

PROPOSED CODE LANGUAGE

Farm Animal Standards

November 13, 2012

9.5250 Farm Animal Standards. The purpose of these standards is to allow for increased opportunities for residential urban farming within the city limits, while encouraging compatibility within the urban environment. For purposes of this section, farm animals shall include, but are not limited to; fowl, rabbits, goats, horses, cattle, sheep, llamas, emu, alpacas, swine, and bee hives; excluding dogs and cats. All of the following standards are applicable to the keeping of farm animals:

(1) General:

- (a) Except for school and church uses, all persons keeping farm animals shall reside on or adjacent to the development site on which the animals are kept.
- (b) Roosters, geese, peacocks, turkeys, and other similar loud fowl are prohibited.

(2) Farm Animals Allowed:

- (a) Development sites less than 20,000 square feet and located in R-1, R-2, R-3, or R-4 Residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
 - 1. Chickens. Up to 6 female chickens over six months of age.
 - 2. Rabbits and Domestic Fowl. Up to 6 of any combination of rabbits or domestic fowl over six months of age, not including chickens.
 - 3. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that the males are neutered.
 - 4. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.
 - 5. Beekeeping. Up to 2 hives used for honey or pollination purposes, provided that they are located 15 feet from all property lines and a water source is provided on site.
- (b) Development sites 20,000 square feet or greater and located in R-1 or R-2 residential zones, AG agricultural, and all special area zones which allow residential uses, are allowed all of the following:
 - 1. Chickens, Rabbits, and Domestic Fowl. There is no limit on the number of female chickens, rabbits, or domestic fowl.
 - 2. Miniature Goats. Up to 2 miniature goats, commonly known as Pygmy, Dwarf, and Miniature Goats, provided that the males are neutered. Additional miniature goats are allowed subject to the area requirement in section (9) below.
 - 3. Miniature Pig. No more than one miniature pig, up to 150 pounds in weight.

4. Beekeeping. No more than 4 hives used for honey or pollination purposes, provided that they are located 25 feet from all property lines and a water source is provided on site.
5. Cows, miniature cows, horses, miniature horses, sheep, goats, emus, alpacas, and llamas. Limited by the area requirement in section (9) below.
- (3) **Care of Animals.** No person shall subject any animal to cruel mistreatment or cruel neglect. This includes, but not limited to; depriving any animal of necessary food, drink, shelter, sanitation, space, exercise, and emergency veterinary treatment; abandonment of any animal; and willfully tortures and inflicts inhumane injury or pain on any animal.
- (4) **Sanitation.** Proper sanitation shall be maintained for all farm animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance, which includes all of the following:
 - (a) Disposing of animal waste matter and not allowing it to accumulate;
 - (b) Ensuring odors resulting from the animals are not detectable beyond property lines; and
 - (c) Storing all food in metal or other pest-proof containers.
- (5) **Noise.** All persons keeping farm animals may not keep an animal that makes frequent or long, continued noise on a sustained basis during a 15-minute period shall constitute a noise disturbance.
- (6) **Fencing.** Fencing is required and shall be designed and constructed to confine all farm animals to the owner's property. The fence type, location, and height are those required for fences in the applicable base and overlay zone.
- (7) **Enclosures.** An enclosure is required and shall be designed and constructed to provide shelter for all farm animals. The enclosure location and height are those required for accessory structures in the applicable base and overlay zone.
- (8) **Required Setbacks.** All structures designed and used to provide shelter for farm animals shall be located at least 15 feet from all existing residences on adjacent lots, while complying with those required setbacks for accessory structures in the applicable base and overlay zone.
- (9) **Minimum Lot Size.** Minimum lot size of 20,000 square feet in order to keep cows, horses, sheep, goats, emus, alpacas, and llamas.
- (10) **Area Requirement for Animals.** Minimum area of development site per animal over 6 months of age:
 - (a) Cows and horses: 10,000 square feet
 - (b) Miniature cows, miniature horses, sheep, miniature goats, goats, emus, alpacas, and llamas: 5,000 square feet
- (11) **Harvesting.** Only chickens, fowl, and rabbits may be slaughtered on site in a humane and sanitary manner as long as it is not done in view from any public area or any adjacent property owned by another.

CURRENT CODE LANGUAGE

Farm Animal Standards

- 9.5250 Farm Animal Standards.** All of the following standards are applicable to farm animals:
- (1) Farm Animals Allowed:**
 - (a) Except as provided in subsection (1)(b) below, up to 2 adult rabbits or fowl (no roosters) over 6 months of age are allowed in any residential zone.
 - (b) Rabbits, fowl (no roosters), cows, horses, sheep, goats, emus, and llamas are allowed in AG and R-1. There is no limit on the number of fowl (no roosters) or rabbits over 6 months of age permitted in AG and R-1 provided they are on a development site that contains at least 20,000 square feet and they meet the farm animal standards.
 - (2) Sanitation:** Proper sanitation shall be maintained for all farm animals. Proper sanitation includes:
 - (a) Not allowing farm animal waste matter to accumulate,
 - (b) Taking necessary steps to be sure odors resulting from farm animals are not detectable beyond property lines, and
 - (c) Storing all farm animal food in metal or other rodent-proof containers.
 - (3) Fencing:** Shall be designed and constructed to confine all farm animals to the owner's property.
 - (4) Setbacks:** All structures that house farm animals shall be located at least 25 feet from all existing residences (except the animal owner's) and at least 10 feet from interior lot lines.
 - (5) Minimum Lot Size and Area for Large Animals:**
 - (a) Minimum lot size of 20,000 square feet for cows, horses, sheep, goats, emus, and llamas.
 - (b) Minimum area per animal over 6 months of age:
 - Cows, horses: 10,000 square feet
 - Sheep, goats, emus, and llamas: 5,000 square feet

(Section 9.5250, see chart at front of Chapter 9 for legislative history from 2/26/01 through 6/1/02; amended by Ordinance No. 20269, enacted November 25, 2002, effective December 25, 2002; and amended by Ordinance No. 20353, enacted November 28, 2005, effective January 1, 2006.)

AGENDA ITEM SUMMARY
November 19, 2012

To: Eugene Planning Commission
From: Alissa Hansen, City of Eugene Planning Division
Subject: Envision Eugene Implementation: Single Family Code Amendments

ACTION REQUESTED

This work session provides the Planning Commission with an update and opportunity to provide feedback on land use code amendment concepts related to single family housing. Consistent with Envision Eugene, the purpose of these code amendments is to expand housing variety and choice by making it easier to build smaller, compatible and legal homes in areas zoned for low density residential development, and to accommodate a portion of the city's 20 year need for single-family housing inside the current urban growth boundary (UGB).

BRIEFING STATEMENT

These code amendments will implement several Envision Eugene strategies under the housing affordability and neighborhood livability pillars, and are also land use efficiency strategies to increase the number of homes that can fit inside the current UGB. (See Envision Eugene Technical Summary on Land for Single-family Homes). It is estimated that approximately 160 additional single-family homes over 20 years can be accommodated within the current UGB through these strategies. These code amendments address the following topics:

1. **Alley Access Lots:** The goal is to allow for the creation of a lot that fronts an alley rather than a street and is created from the rear portion of an existing lot, and include standards addressing compatibility. This type of land division was allowed in the R-1 zone prior to the adoption of the 2001 land use code update, without specific design or development standards addressing compatibility. Alley access lots are currently allowed in the S-C Chambers Special Area Zone and the S-JW Jefferson Westside Special Area Zone subject to standards that address compatibility.
2. **Secondary Dwelling Units:** The goal is to promote legal secondary dwelling units by improving compatibility, and clarifying ownership and occupancy requirements. Note: A related concurrent Envision Eugene Implementation project is studying the possibility of restructuring system development charges (SDCs) to incentivize secondary dwelling units.
3. **Accessory Structures:** The goals are to promote compatibility, and to clarify the distinction between accessory structures and primary dwellings or secondary dwelling units.

Prior to drafting the code concepts, staff created design principles, which are provided as Attachment A. These principles outline the intentions guiding development of the concepts for the code amendments. They do not address the specific design of the dwelling, but instead focus on the

exterior form and scale and how the dwelling is situated on the lot and in the neighborhood. Using these principles as a guide, staff crafted code concepts to be used as a starting point for discussion. These initial code concepts were largely influenced by the previous work of the Infill Compatibility Standards (ICS) project, specifically the R-1 Infill/Flag Lot Implementation Team (RIFLIT), as well as the Neighborhood Livability Working Group, best practices from other cities, and a review of Eugene land use code.

The design principles and the code concepts were then reviewed by an external advisory group comprised of neighborhood advocates, designers and builders with expertise in single family housing, and two Planning Commissioners. The majority of the members of the advisory group were also part of the original ICS/RIFLIT team, so they are well versed in the previous ICS work surrounding this topic. This engaged and productive group has met four times to-date to vet and provide advice and recommendations on the concepts. To help determine characteristics of desired form, and to help visualize the outcome of the concepts, staff provided drawings of the different concepts, as well as photos of existing homes.

During the advisory group's discussions, the issues of looming walls, incompatible building heights (and associated loss of solar access) and loss of privacy have been common themes. Many of the group's recommendations focus on addressing these specific concerns, and include such concepts as sloped setbacks, building height limits, and parking area limitations. The group has also spent time discussing not only the need to keep the code simple, but also the need for an alternative path to allow for flexibility and creative designs. The attached draft code concepts (see Attachment B) reflect the recommendations supported by the advisory group, except where noted as they have not completed their review of all concepts. The group is scheduled to meet at least once more before the end of the month to finish their review.

Although the current set of proposed amendments only covers a portion of the single-family recommendations for code amendments that came out of the RIFLIT team (specifically those necessary for the city to adopt a new UGB), the city is committed to implementing the remaining recommendations (such as flag lots and sloped setbacks) as part of the ongoing implementation of Envision Eugene. These are included in our work program as part of the second round of code amendments to implement Envision Eugene, and are slated to begin following completion of the Envision Eugene adoption package.

PLANNING COMMISSION FEEDBACK

The Planning Commission is asked to provide feedback on whether the code concepts are achieving their objectives, rather than focus on the precise wording, as there will be additional opportunities to review actual code language. Are they generally meeting the intentions as outlined in the design principles? Do they appear to adequately address compatibility, while not making it more difficult to build smaller homes? Keep in mind that these have been reviewed by an advisory group with experience and expertise in the topic.

NEXT STEPS

Following the advisory group's completion of their review of the code concepts, staff will begin drafting code language consistent with the concepts. This code language will be reviewed by the advisory group, as well as by other city staff to ensure consistency with other codes and programs.

Broader public feedback is expected as part of the formal hearing process.

FOR MORE INFORMATION

Alissa Hansen, 541-682-5508 or alissa.h.hansen@ci.eugene.or.us

ATTACHMENTS

- A. Single Family Design Principles
- B. DRAFT Single Family Code Amendment Concepts

Design Principles

for Alley Access Houses, Secondary Dwelling Units, and Accessory Structures

REVISED DRAFT October 12, 2012

Alley Access Lots and Dwellings

Building Form and Scale

Building form and scale fits the fabric and pattern of the neighborhood.

Building scale is subordinate to the scale of primary houses in the neighborhood.

Building form complements the design of the existing dwelling on the lot and the primary design pattern in the neighborhood.

Building form and scale complement existing designated adjacent historic properties.

Site

The alley dwelling fits well in the neighborhood community.

The siting of the alley dwelling achieves privacy and a sense of security for the residents and neighbors.

The site contains private outdoor space, including vegetated area.

The site design takes advantage of existing trees and other vegetation to maintain mature neighborhood landscape character.

Building

Windows and views from the dwelling do not significantly diminish privacy on adjacent properties.

The entry to the dwelling is recognizable, inviting and directly accessible from the alley or street.

Access/Vehicle accommodation

Paving and vehicle storage is proportional and subordinate to size of dwelling.

Secondary Dwelling Units (SDU)

Building Form and Scale

Building form fits the fabric and pattern of the neighborhood.

Building scale is subordinate to primary dwellings in the neighborhood.

Building scale is subordinate to the existing dwelling on the lot.

Building form complements the primary dwelling on the lot or the primary pattern in the neighborhood.

Auto storage for the SDU is subordinate to the SDU.

Site

Access is provided to private outdoor space.

SDU is sited to maintain a useful outdoor space for both the primary dwelling and the SDU.

Building

Windows and views from SDU do not significantly diminish privacy on adjacent properties.

The entry to the dwelling is recognizable, inviting and directly accessible from the street or alley.

Accessory Structures

Function

The uses in accessory structures are distinctly different than in SDUs.

Using an accessory structure should not disturb the surrounding neighborhood.

Form and Scale

Building form complements the fabric and pattern of the neighborhood.

Accessory structure scale is subordinate to the primary dwelling on the lot.

Site

Building location creates positive outdoor space on the lot for the use of the residents.

ENVISION EUGENE- SINGLE FAMILY CODE AMENDMENT CONCEPTS

DRAFT – November 9, 2012

Overall Goal of the Single Family Code Amendments

Expand housing variety and choice by making it easier to build legal, compatible smaller houses in the R-1 Low Density Residential Zone while fulfilling a portion of the city's 20 year need for single-family housing. These amendments are intended to:

- Allow for the creation of alley access lots
- Promote secondary dwelling units
- Promote distinction between accessory structures, and primary or secondary dwelling units

Concepts for Alley Access Lots

Purpose: Allow for the creation of a lot that fronts an alley rather than a street and is created from the rear portion of an existing lot, including standards addressing compatibility.

Proposed Code Concepts	
Allowance	
Zone	R-1 Low Density Residential
Size of original lot	Minimum of 9,000 square feet in area. Could be created from one lot or two consolidated lots.
Distance from centerline of alley/street intersection	150 feet from farthest point of new dwelling (or alternatively, provide 20 feet of alley right-of-way)
Lot Standards for Land Divisions	
Minimum lot size for alley lot	2,250 square feet
Maximum lot size for alley lot	Not to exceed 40 percent of the original lot
Minimum frontage/ lot width for alley lot	50 feet
Minimum lot depth for alley lot	No portion of lot shall have a depth less than 35 feet
Minimum/maximum standards for street lot	Same as R-1
Alley Standards	
Right-of-way width	Minimum 14 feet of right-of-way (if existing alley has 12 feet of right-of-way, acceptable to dedicate 1-foot to create 7-feet of right-of-way from centerline)
Level of improvement	Minimum paving width 12-feet, or allow for gravel through a temporary surfacing permit. Consider allowing alternative paving methods, such as concrete ribbons. If not fully improved, okay to defer public improvements via an irrevocable petition. (Irrevocable petitions enable the City to initiate a local improvement process and obligate the property owners to pay their proportional share of the alley or street construction costs in the future. The City could construct the alley or street when the majority of benefitting property owners agrees to pay for the improvements.)

Development/Design Standards for Alley Lots	
Maximum building size	<ul style="list-style-type: none"> • Limit home size to 1,000 square feet • For 1 ½ story dwellings, limit square footage on upper floor.
Lot coverage	<ul style="list-style-type: none"> • Include all roofed areas as part of lot coverage. • Limit size of dwelling (see above) and size of accessory structures.
Maximum building height/sloped setback	<ul style="list-style-type: none"> • For 1 ½ story dwelling: At a point that is 14 feet above finished grade, the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 24 feet. Limit any balconies or other second floor outdoor spaces to be at least 10 feet from interior property lines (not including the alley property line) • For single story dwelling: At a point that is 12 feet above finished grade, the setback shall slope at 6:12 pitch horizontally away from the property line to a maximum building height of 18 feet. • Not eligible for 7 foot additional height allowance for 6:12 roof pitch
Dormers/windows/balconies	<ul style="list-style-type: none"> • Limit any balconies or other upper floor outdoor spaces to be at least 10 feet from interior property lines (not including alley property line). • Allow up to two dormers on wall that is 10 feet or greater from any property line. (No dormers would be allowed on walls closer than 10 feet from any property line.) • Limit dormer to 10 feet in width • Any window on the upper story must be located a minimum of 10 feet from any property line.
Maximum number of bedrooms	No more than 3 bedrooms
Minimum building setbacks	<ul style="list-style-type: none"> • 5 feet from all interior yards, including alley • Consider allowing less than 5 feet if there is at least 10 feet between structures and neighbor consent. • Allow eaves and chimneys to project into setback no more than two feet. No other building features are allowed to project into setbacks.
Primary entrance	<ul style="list-style-type: none"> • Defined by a covered or roofed entrance with a minimum depth of three feet. • Served by a maximum three-foot wide hard-surfaced/hard-scaped (paved, concrete or pavers) pedestrian walkway from the alley or front street. Pedestrian walkway must be recognizable and distinct from driveway, but does not need to be separated from parking area/driveway.

On-site parking requirement	Minimum of 1 space/maximum 2 spaces
Parking/driveway	<ul style="list-style-type: none"> • May be located in an interior yard setback • Only one covered or enclosed parking space may be provided (carport or garage) and must be counted as one space. Garage cannot exceed 16 feet by 24 feet with a maximum garage door size of nine feet in width. • Garage must be setback either 5 feet, or at least 8 feet to allow for adequate sized parking space. If setback 8 feet, must meet parallel parking space requirement (see below) and be counted as second parking space. • Maximum width for a driveway accessing a single-car garage or carport is 12 feet. • Maximum area for one parking space: 12 feet by 20 feet • Maximum area for two side by side parking spaces: 20 feet by 20 feet • Maximum area for two tandem parking spaces: 12 feet by 36 feet • If parking space is parallel to alley, space not to exceed 20 feet along length of alley (only one parallel space to be allowed) • Total vehicle use area (including but not limited to driveways and on-site parking, but not including enclosed parking space) not to exceed 450 sq. feet
Trash/recycling	Must be screened/stored so not visible from alley
Accessory structures	<ul style="list-style-type: none"> • Garages and other accessory structures allowed. • Secondary dwelling unit not allowed on alley access lot • Accessory building size should be limited, (subordinate to house) and fit within sloped setback. Advisory group has not yet provided recommendation on size/height/sloped setback.
Utilities	Allow for overhead utility lines in certain cases
Flexibility	
Adjustment review	Consider adjustments to certain standards (subject to relevant and robust criteria)
Non-conforming	Allow for existing houses or secondary dwelling units to become alley access lot homes (subject to adjustment review)

Concepts for Secondary Dwelling Units

Purpose: Promote legal secondary dwelling units by improving compatibility, and clarifying ownership and occupancy requirements. Note: Related project is studying the possibility of restructuring system development charges (SDCs).

Standard	Current Standard in Land Use Code	Proposed Concept
Occupancy	Either the primary dwelling or the secondary dwelling shall be occupied by the property owner	Clarify/strengthen current requirements: <ul style="list-style-type: none"> Property owner with at least 50 percent interest in property must occupy primary dwelling or SDU for at least 6 months of each calendar year Must provide verification/documentation of ownership/occupancy (driver's license, income tax verification, deed etc)
Lot size	<ul style="list-style-type: none"> For attached SDUs: Except for flag lots, the lot shall be at least 4,500 square feet. For detached SDUs: Except for flag lots, the lot shall be at least 6,000 square feet. Flag lots shall contain at least 13,500 square feet to permit a SDU 	No changes proposed
Building setbacks	Front yard setback: 10 feet Interior yard setback: 5 feet	No changes proposed
Solar setbacks	Applicable to all structures on R-1 and R-2 zoned lots, 4000 square feet or greater, with a minimum north-south dimension of 75 feet. Requires buildings on such lots to be setback from northern property line based on several factors.	No changes proposed; however, solar access is improved by proposed changes to maximum building height (see below).
Maximum building height	<ul style="list-style-type: none"> For attached SDUs, 30 feet, measured at highest point For detached SDUs located greater than 20 feet from a property line, 20 feet, measured at the highest point For detached SDUs, if located within 20 feet of a property line, maximum building height shall not exceed 15 feet 	<ul style="list-style-type: none"> For attached SDUs, no change. For detached SDUs, limit height to 1 story, not to exceed 15 feet at highest point, or 18 feet at highest point if roof slope is 6:12 or steeper 7 foot allowance for roof slopes of 6:12 or steeper would not to apply to detached SDUs In certain circumstances, allow adjustment review to allow for other

	<ul style="list-style-type: none"> In all cases, for roof slopes of 6:12 or steeper, an additional height of 7 feet is allowed 	<p>itches that do not exceed height</p>
Building size	<p>The building shall not exceed 800 square feet unless occupying the full story of a multi-story structure with ground floor residential use</p>	<ul style="list-style-type: none"> Dwelling not to exceed 800 square foot footprint unless occupying the full story of a multi-story structure with ground floor residential use. Additional square footage allowed (300 square feet) for storage or garage if non-heated space Footprint is defined as the exterior perimeter of the dwelling (not including an attached garage) Clarify that hallways, closets, utility rooms, laundry rooms and bathrooms are included in dwelling footprint.
Bedrooms	<p>No established minimum or maximum</p>	<p>Set maximum number of bedrooms at 2 for attached or detached, except SDUs occupying the full story of a multi-story structure with ground floor residential may have 3 bedrooms</p>
Lot coverage	<p>Entire lot must not exceed 50-percent lot coverage</p>	<p>No changes proposed</p>
Parking	<p>Requires at least 1 off street parking space on the property (in addition to 1 space minimum requirement for primary dwelling)</p>	<p>No changes proposed</p>
Pedestrian walkway	<p>For detached dwellings, a pedestrian walkway from the street or alley to the primary entrance of the SDU is required.</p>	<p>No changes proposed</p>
Primary entrance	<p>For detached dwellings, the primary entrance must be defined by a roofed porch.</p>	<p>Change roofed porch to a covered or roofed entrance and require a minimum roof depth of three feet.</p>
Outdoor storage/trash	<p>For detached dwellings, outdoor storage and garbage areas shall be screened from view from adjacent properties and those across the street or alley.</p>	<p>No changes proposed</p>
Utilities	<p>Required to be underground</p>	<p>Allow overhead in some cases</p>
Attachment	<p>No minimum requirement</p>	<p>If attached, primary dwelling and SDU must share common wall for a minimum of 8 feet or ½ length of the common wall, whichever is greater</p>

Note: Advisory Group has not completed reviewed or provided recommendations on concepts below

Adjustment review	No adjustments permitted	Adjustment review to allow for design flexibility Adjustment review process to allow for existing legal accessory structures in place prior to adoption of these standards to be converted to legal SDUs
Non-Conforming		Include language that legal SDUs permitted prior to adoption date of new standards are exempt from the meeting these standards and are considered legal
Second Floor	Allowed as a result of changes to building height measurement (previously measured at midpoint, now measured at highest point, with a 7 foot allowance for roof pitches 6:12 or greater)	Consider allowing an SDU over a garage or other storage area subject to compatibility standards (size, height, design), including: <ul style="list-style-type: none"> • 450-500 square feet dwelling size limit with one bedroom • 22 feet of building height with required pitch (sloped setback) • Sill height limitations • Window/dormer size and location limits (facing alley, with no windows or balconies facing adjacent lots to the sides)

Concepts for Accessory Structures

Purpose: To promote compatibility and to clarify distinction between accessory structures, and primary dwellings or secondary dwelling units.

NOTE: Advisory Group has not reviewed or provided recommendations on these concepts.

Standard	Current Standard in Land Use Code	Proposed Concepts
Use	Accessory uses are permitted outright. Examples include a garage, storage shed and services primarily for use by residents on the site, such as a recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	Clarify that accessory buildings: <ul style="list-style-type: none"> • Shall not be used as a dwelling unit. • May contain a full bath or a full kitchen, but must not contain both. (define full bathroom and full kitchen) • Require deed restriction limiting use of structure as noted above
Height/footprint	<ul style="list-style-type: none"> • Maximum height of 20 feet • For roof slopes of 6:12 or steeper, an additional height of 7 feet is allowed • No minimum/maximum building footprint/square footage 	<ul style="list-style-type: none"> • Structure should be subordinate to primary building on the site. • Maximum height: 1 story, not to exceed 15 feet at highest point, or 18 feet at highest point for if roof slope is 6:12 or steeper • 7 foot allowance for roof slopes of 6:12 or steeper would not to apply • The total square footage of all accessory structures cannot exceed the square footage of the primary residential structure (square footage to include total of any multi-story structure) • Include allowances for agricultural uses (barn) and RV storage. Consider basing on lot size
Setbacks	<ul style="list-style-type: none"> • Front yard setbacks: 10 feet • Front yard setbacks for garages and carports: 18 feet • Interior yard setback: 5 feet • Interior yard setback for buildings on flag lot created after 5/25/02: 10 feet 	No changes proposed
Attachment	No minimum requirement	If attached, primary dwelling and accessory use must share common wall for a minimum of 10 feet or ½ length of

ATTACHMENT B

		the common wall, whichever is greater, or not exceed height/square footage of primary dwelling to be considered attached (and thus not an accessory structure).
Adjustment review	No adjustments permitted	Consider adjustment based on physical constraints
Non-conforming		Include language that legal accessory structures permitted prior to adoption date of new standards are exempt from the meeting these standards and are considered legal